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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,449	09/19/2003	Gary Filice	EAST-003	8352

7590 04/17/2006

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EXAMINER

CHAMBERS, MICHAEL S

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/666,449	Applicant(s) FILICE ET AL.	
	Examiner Mike Chambers	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 10-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of claims 1-9 is acknowledged. Claims 10-31 are withdrawn from further consideration, as directed to claims non-elected without traverse, 37CFR1.142.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2,4-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcox (1963057) in view of Plastidip. Wilcox discloses the elements of claim 1, however it fails to the use of a cover. Plastidip discloses the use of a cover (pg 1-2, see notations). It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed the cover of Plastidip with the apparatus of Wilcox in order to more easily grip and hold the device.

As to claim 2 : Wilcox discloses a tapered end (fig 4-5).

As to claim 4 : The specification provides no unanticipated or surprising results in the limitations claimed. No criticality is seen in the use of an extruded coating material. It would have been obvious to one of ordinary skill in the art at the time of the

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invention to have selected any one of several equivalent means to apply the cover based on cost and manufacturing methods used.

As to claim 5 : The specification provides no unanticipated or surprising results in the limitations claimed. No criticality is seen in the use of an double ended taper. It would have been obvious to one of ordinary skill in the art at the time of the invention to have selected any one of several equivalent means to apply the cover based on cost and manufacturing methods used.

As to claim 6 : Plastidip discloses a colored cover which would naturally be tinted (pg 1-2).

As to claim 7 : Wilcox discloses a longitudinal groove (fig 6-8).

As to claim 9 : See claim 1 rejection. The cover would naturally have an interior surface since it has an exterior surface. And the longitudinal grooves of Wilcox define adjacent areas that have reduced thicknesses.

Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcox (1963057) in view of Plastidip as applied to claim 1 above, and further in view of Brine (3910578). Brine discloses the use of a lacrosse head. The use of lacrosse heads and shafts are well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized the lacrosse head of Brine in order increase the market for the coated shafts.

Also,

Claims 1,4,6, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNeil (3972529) in view of Plastidip. McNeil discloses the elements of claim 1, however it fails to the use of a cover. Plastidip discloses the use of a cover (pg 1-2, see notations). It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed the cover of Plastidip with the apparatus of McNeil in order to more easily grip and hold the device.

As to claim 4 : The specification provides no unanticipated or surprising results in the limitations claimed. No criticality is seen in the use of an extruded coating material. It would have been obvious to one of ordinary skill in the art at the time of the invention to have selected any one of several equivalent means to apply the cover based on cost and manufacturing methods used.

As to claim 6 : Plastidip discloses a colored cover which would naturally be tinted (pg 1-2).

As to claim 9 : See claim 1 rejection. The cover would naturally have an interior surface since it has an exterior surface. And the longitudinal grooves of McNeil define adjacent areas that have reduced thicknesses (fig 3).

Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNeil in view of Plastidip as applied to claim 1 above, and further in view of Brine (3910578). Brine discloses the use of a lacrosse head. The use of lacrosse heads and shafts are well known in the art. It would have been obvious to one of ordinary skill in

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the art at the time of the invention to have utilized the lacrosse head of Brine in order to increase the market for the coated shafts.

Claims 2, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNeil in view of Plastidip as applied to claim 1 above, and further in view of Official Notice. Official Notice is taken that the use of tapered ends for shafts is well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize any one of several equivalent ends including a tapered end based on cost and design considerations.

As to claim 5 : The specification provides no unanticipated or surprising results in the limitations claimed. No criticality is seen in the use of a double ended taper. It would have been obvious to one of ordinary skill in the art at the time of the invention to have selected any one of several equivalent means to apply the cover based on cost and manufacturing methods used.

As to claim 7 : See claim 2 rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Chambers whose telephone number is 571-272-4407. The examiner can normally be reached on Mon-Fri 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

1963057*3910578* 3972529*Plastidip

Michael Chambers
Examiner
Art Unit 3711

April 11, 2006



EUGENE KIM
SUPERVISORY PATENT EXAMINER